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TECHNOLOGY CENTER R3700

P/3426-21

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Carl L. C. Kah, Jr., et al.

Date: July 28, 2003

Serial No.: 10/015,588

Group Art Unit: 3752

Filed: December 17, 2001

Examiner:

For: ROTARY DRIVE SPRINKLER WITH FLOW CONTROL AND SHUT OFF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

#3 petition
to make
Special
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PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102

Sir:

Applicants respectfully petition, pursuant to 37 C.F.R. §1.102 and M.P.E.P. §708.02 II, to make the attached application entitled ROTARY DRIVE SPRINKLER WITH FLOW CONTROL AND SHUT OFF VALVE IN NOZZLE HOUSING special so that said application can be examined out of turn.

- 1) The basis for this petition is the presence of an actual infringing product on the market which infringes at least one of the claims in the application.
- 2) I have made a rigid comparison between the infringing product as described in the attached Declaration of Karl L.C. Kah, Jr. and the claims of the application and, in my opinion, at least one claim is unquestionably infringed.
- 3) The accompanying Declaration also asserts that Karl L.C. Kah, Jr. has a good knowledge of the pertinent prior art relating the claimed subject matter. An Information Disclosure Statement identifying an additional reference (U.S. Patent 6,241,158) referred to in the Declaration, together with a copy of the reference are also attached.

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4. The fee of \$130.00 for filing this petition required by 37 C.F.R. §1.17(i).

In light of the above, granting of this Petition to Make Special is respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the under-payment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 dated July 28, 2003:

Lawrence A Hoffman
Name of applicant, assignee or
Registered Representative
Lawrence A Hoff
Signature
July 28, 2003
Date of Signature

LAH:sk

Respectfully submitted,

Lawrence A Hoffman
Lawrence A Hoffman
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